

TEMPORARY

NO. 63387

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office AUG 29 1997

Returned to applicant for correction _____

Corrected application filed _____

Map filed 9/15/97 UNDER 63387

The applicant **Barker Homes, Inc.**, hereby makes application for permission to change the **Place and Manner of Use** of water heretofore appropriated under a portion of Claim 337/338 of the Truckee River Decree, said Decree entered by the District Court of the United States for Nevada in that certain action entitled "The United States of America vs. Orr Water Ditch Company, et al., Defendants", in Equity Docket Docket A-3.

1. The source of water is **Truckee River by Orr Ditch, as decreed**
2. The amount of water to be changed **28.40 afa and a prorata share of the diversion rate**
3. The water to be used for **Construction purposes**
4. The water heretofore permitted for **As decreed**
5. The water is to be diverted at the following point **within the NE¼ of the SW¼ of Section 17, T.19N., R.19E., M.D.M., or at a point from which the SW corner of said Section 17 bears South 44°40' West a distance of 3211 feet. For proposed point of diversion, this application, see existing point of diversion for Orr Ditch on map supporting Application No. 62513.**
6. The existing permitted point of diversion is located within **Same as Item No. 5**
7. Proposed place of use **Sections 1, 2, 3, 10, 11, 12, 13, 14 and 15, T.20N., R.20E., M.D.M.; and Sections 6, 7 and 18, T.20N., R.21E., M.D.M.. See map supporting Application No. 62470T.**
8. Existing place of use **See attached Exhibit "A".**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **As Decreed to As Decreed** of each year.
11. Description of proposed works **Pump in ditch with stand pipe for filling water trucks for construction dust control. (Four locations, see REMARKS.)**
12. Estimated cost of works **None. Works are existing.**
13. Estimated time required to construct works **None. Works are existing.**
14. Estimated time required to complete the application of water to beneficial use **1 year**
15. Remarks: **The stand pipes will be located in the following approximate areas:**
 - 1) **SE¼ NE¼ of Section 2, T.20N., R.20E., M.D.M.**
 - 2) **NE¼ SE¼ of Section 11, T.20N., R.20E., M.D.M.**
 - 3) **NE¼ SE¼ of Section 15, T.20N., R.20E., M.D.M.**
 - 4) **NE¼ NW¼ of Section 2, T.20N., R.20E., M.D.M.**

By **s/George G. Lindesmith**
George G. Lindesmith
Tri State Surveying 1925 E. Prater Way
Sparks, Nevada 89434

Compared nsr/cl dl/cmfProtested 9-26-97 By The City of Fallon; w/d 10-12-99

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion, place of use and manner of use of a portion of the waters of the Truckee River as heretofore granted under Claims 337 and 338, Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **January 4, 2000** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

A monthly report of the water diverted and placed to beneficial use must be submitted to the State Engineer and Federal Water Master on a quarterly basis within 15 days after the end of each calendar quarter.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.098 cubic feet per second, **but not to exceed 28.28 acre-feet as decreed.**

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed before:

Water must be placed to beneficial use on or before:

Proof of the application of water to beneficial use shall be filed on or before:

Map in support of proof of beneficial use shall be filed on or before:

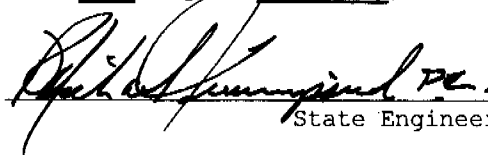
TEMPORARY

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 5th day of January, A.D. 2000


State Engineer

RECEIVED
JAN 04 2001